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**JAN 3 0 2008**

In re Application of : DECISION ON REQUEST TO  
Yuichi MATSUO et al. : PARTICIPATE IN PATENT  
Application No. 10/567341 : PROSECUTION HIGHWAY  
Filed: February 1, 2006 : PILOT PROGRAM AND PETITION  
Attorney Docket No. 108421-00126 : TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 3, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to include:

The claims filed in the U.S. application Claims 6-8 and 10-15 do not sufficiently correspond to the allowable/patentable claims in the JPO application. It appears that the U.S. claims have a different scope than the claims of the JPO application. For example: Claim 12 along with Claim

11 of the U.S. Application do not claim PdO which is claimed in Claim 1 of the JP application. Also, Claim 11, last line claims a "nitrate solution including a component" while Claim 3 of the JP application claims "nitrate solution including Ln and Al." Please compare the rest of the claims for similar differences.

Also not included is the Japanese language copy of the Japanese allowed claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kathryn Gorgos at 571 273-1012.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Kathryn Gorgos  
TC 1700 TQAS